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October 25, 2011

Via Facsimile to (973) 645-4412

The Honorable Michael A. Shipp, U.S.M.J.
The United States District Court for the District of New Jersey
Martin Luther King, Jr. Federal Building & United States Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: Reyes v. Keith Machinery Corp., et al. – Civil Action No. 2:09-CV-5309

Dear Magistrate Judge Shipp:

I am writing regarding the Text Order clarification you issued on October 20, 2011. The Makino/Littleford defendants will submit the confidential settlement position letter as requested by October 28, 2011. However, as I indicated in our conference call held on October 14, I will be unable to attend the November 4 settlement conference, as I will be in Montana for pre-trial hearings in another matter. Our local counsel, Mike Kunsch, is also in trial and unavailable. In our telephone conference, however, I did indicate that we would be able to have another attorney attend the conference in our absence. Because this Text Order indicated that trial counsel and parties must attend, I wanted to let you know right away of the scheduling conflict.

If, after reviewing the parties' respective settlement positions, you believe that a settlement conference would be productive, I would ask that you consider re-scheduling the settlement conference so that I could attend in person. If, however, you want to proceed with the conference then we can have counsel for Makino in attendance but it would not be trial counsel.

Thank you for your attention to this matter.

Very truly yours,

Michael K. Yarbrough / emu

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cc: J. Michael Kunsch, Esq.
Scott L. Haworth, Esq.
Abigail Bowen, Esq.
Richard M. Winograd, Esq.

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